

APPENDIX A TO PART 231—SCHEDULE OF CIVIL
PENALTIES¹—Continued

FRA safety appliance defect code section ²	Violation	Willful viola- tion
146.A Notice or Stencil not Posted on Caboosees with Running Boards Removed	500	1,000
146.B Safe Means not Pro- vided to Clean or Maintain Windows of Caboose	1,000	2,000

¹A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to \$20,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

²This schedule uses section numbers from FRA's Safety Appliance Defect Code, a restatement of the CFR text in a re-organized format. For convenience, and as an exception to FRA's general policy, penalty citations will cite the defect code rather than the CFR. FRA reserves the right, should litigation become necessary, to substitute in its complaint the CFR and/or statutory citation in place of the defect code section cited in the penalty demand letter.

[53 FR 52933, Dec. 29, 1988]

PART 232—RAILROAD POWER
BRAKES AND DRAWBARS

Sec.

232.0 Applicability and penalties.

232.1 Power brakes; minimum percentage.

232.2 Drawbars; standard height.

232.3 Power brakes and appliances for operating power-brake systems.

RULES FOR INSPECTION, TESTING AND
MAINTENANCE OF AIR BRAKE EQUIPMENT

232.10 General rules; locomotives.

232.11 Train air brake system tests.

232.12 Initial terminal road train air brake tests.

232.13 Road train and intermediate terminal train airbrake tests.

232.14 Inbound brake equipment inspection.

232.15 Double heading and helper service.

232.16 Running tests.

232.17 Freight and passenger train car brakes.

232.19 End of train device.

APPENDIX A TO PART 232—SCHEDULE OF CIVIL
PENALTIESAPPENDIX B TO PART 232—SPECIFICATIONS AND
REQUIREMENTS FOR POWER BRAKES AND
APPLIANCES FOR OPERATING POWER-
BRAKE SYSTEMS FOR FREIGHT SERVICE

AUTHORITY: 45 U.S.C. 1, 3, 5, 6, 8–12, and 16, as amended; 45 U.S.C. 431, 438, as amended; 49 app. U.S.C. 1655(e), as amended; Pub. L. 100–342; and 49 CFR 1.49(c), (g), and (m).

SOURCE: 33 FR 19679, Dec. 25, 1968, unless otherwise noted.

§ 232.0 Applicability and penalties.

(a) Except as provided in paragraph (b), this part applies to all standard gage railroads.

(b) This part does not apply to:

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or

(2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

(c) As used in this part, *carrier* means “railroad,” as that term is defined below.

(d) *Railroad* means all forms of non-highway ground transportation that run on rails or electromagnetic guideways, including (1) commuter or other short-haul rail passenger service in a metropolitan or suburban area, and (2) high speed ground transportation systems that connect metropolitan areas, without regard to whether they use new technologies not associated with traditional railroads. Such term does not include rapid transit operations within an urban area that are not connected to the general railroad system of transportation.

(e) Any person (including a railroad and any manager, supervisor, official, or other employee or agent of a railroad) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$250 and not more than \$10,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense.

[54 FR 33230, Aug. 14, 1989]

§ 232.1 Power brakes; minimum per-
centage.

On and after September 1, 1910, on all railroads used in interstate commerce, whenever, as required by the Safety Appliance Act as amended March 2,